

## REMARKS

Claims 1-8 are pending. Claims 9-16 were previously canceled in response to a restriction requirement. Claim 1 is amended herein. The Applicant respectfully traverses the rejections and requests allowance of claims 1-8.

### *Improper Rejection, claims 7 and 8*

The Applicant respectfully notes that claims 7 and 8 have not been properly rejected in the Office Action (dated 10/28/2008). In the 35 U.S.C. § 102(b) rejection portion, only *claims 1-6* are listed as being rejected, while in the 35 U.S.C. § 103(a) portion, *no* claims are listed as being rejected. Thus, since claims 7 and 8 were not properly rejected in the Office Action, the Applicant respectfully requests that if another Office Action is issued, that it be made non-final.

### *Improper rejection, U.S.C. § 102(b)*

MPEP 707, quoting 37 CFR 1.104(c)(2), states that “[i]n rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be *designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.*” Also, MPEP 707.07(d) states that “[w]here a claim is refused for any reason relating to the merits thereof it should be “rejected” and the ground of rejection *fully and clearly stated...*”

The Office Action sets forth no rationale for the rejection of claims 1-6 other than a mere statement of anticipation based upon the Saville reference. The Applicant acknowledges that certain parts of Saville were underlined. However, the Applicant has thoroughly read the Saville reference and was unable to discern which portions of the Saville text correspond to which claims assumed to be rejected under 35 U.S.C. § 102(b).

Also, the Applicant respectfully notes that the Office Action does not indicate numbered claims which are rejected in the actual text of either the U.S.C. § 102(b) rejection. Although the heading of the 35 U.S.C. § 102(b) rejection lists claims 1-6 as being rejected, the Applicant has parsed the body of the rejections and found what appears to be the text of *only claims 1-3*

included in the 35 U.S.C. § 102(b). No distinctly numbered claims were found in the text of the 35 U.S.C. § 102(b) rejection.

The Applicant respectfully requests a clear listing of which claims are rejected under U.S.C. § 102(b) so a proper response can be filed. Also, the Applicant was not able to discern which underlined sections of the Saville reference correspond to each individual claim. Therefore, the Applicant respectfully requests that if another Office Action is issued, that it be made non-final.

*Improper rejection, U.S.C. § 103(a)*

MPEP 707, quoting 37 CFR 1.104(c)(2), states that “[i]n rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be *designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.*” Also, MPEP 707.07(d) states that “[w]here a claim is refused for any reason relating to the merits thereof it should be “rejected” and the ground of rejection *fully and clearly stated...*”

The Office Action sets forth no rationale for the rejection under 35 U.S.C. § 103(a) other than a mere statement of obviousness based upon Saville. The Applicant acknowledges that certain parts of Saville were underlined for use in the *102(b)* rejection. However, the Applicant has thoroughly read the Saville reference and was unable to discern which portions of the text correspond to the claims assumed to be rejected based upon 35 U.S.C. § 103(a).

Also, the Office Action does not list which claims have been rejected under 35 U.S.C. § 103(a), nor does the Office Action indicate numbered claims which are rejected in the text of the rejection. The Applicant has parsed the text of the rejection and found what *appears* to be dependent claims 4-6 and 8 included in the body of the 35 U.S.C. § 103(a) rejection. Claims 1-3 and 7 did not appear to be included in the text of the 35 U.S.C. § 103(a) rejection.

The Applicant respectfully requests a clear listing of which claims are rejected under U.S.C. § 103(a) so a proper response can be filed. Also, the Applicant was not able to discern which underlined sections of the Saville reference correspond to each individual claim.

Therefore, the Applicant respectfully requests that if another Office Action is issued, that it be made non-final.

### *35 U.S.C. § 102(b) Rejection*

Notwithstanding the discussion of the improper rejection above, assuming claims 1-6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Saville (A Telecommunications Industry White Paper, Spring 1997), the Applicant respectfully traverses the rejection of claims 1-6 under 35 U.S.C. § 102(b) for the reasons stated below.

Claim 1, as amended herein, now recites in part, “receiving third party information *in a standard file layout* from the third party network into the billing system...in the billing system, processing the third party information to identify the account information, *detect errors in the third party information, extract the third party information from the standard file layout*, and determine third party charges related to usage of the third party network by the customer....” Saville does not teach or suggest at least, “receiving third party information *in a standard file layout* from the third party network into the billing system...in the billing system, processing the third party information to identify the account information, *detect errors in the third party information, extract the third party information from the standard file layout*, and determine third party charges related to usage of the third party network by the customer...” as recited in claim 1. Support for the amendment to claim 1 can be found on at least pages 13-15 of the specification.

Based upon the above comments, Saville does not teach or suggest all of the limitations of independent claim 1. Thus, based on the foregoing, the Applicant respectfully contends that independent claim 1 is allowable in view of Saville, and such indication is respectfully requested.

Furthermore, claims 2-6 depend from independent claim 1, thus incorporating the limitations of the associated independent claim. Therefore, the Applicant respectfully asserts that claims 2-6 are allowable for at least the reasons indicated above in support of claim 1, and such indication is respectfully requested.

Thus, in light of the remarks above, the Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection of claims 1-6.

*35 U.S.C. § 103(a) Rejection*

A further rejection is made in the Office Action under 35 U.S.C. § 103(a) over Saville (A Telecommunications Industry White Paper, Spring 1997). Unfortunately, the Applicant was unable to discern for certain which claims were presently rejected under 35 U.S.C. § 103(a). However, assuming claims 4-6 and 8, as per the discussion regarding the improper 35 U.S.C. § 103(a) rejection above, the Applicant traverses the rejection for claims 4-6 and 8 for at least the following reasons.

Claims 4-6 and 8 depend from independent claim 1, thus incorporating the limitations of the associated independent claim. Therefore, the Applicant respectfully asserts that claims 4-6 and 8 are allowable for at least the reasons indicated above in support of claim 1, and such indication is respectfully requested.

Thus, in light of the remarks above, the Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection.

## CONCLUSION

Based on the above remarks, the Applicant submits that the claims in their present form are allowable. Additional reasons in support of patentability exist, but such reasons are omitted in the interests of clarity and brevity. The Applicant respectfully requests allowance of the claims at the Examiner's earliest convenience.

The Applicant believes no fees are due with respect to this filing. However, should the Office determine fees are necessary, the Office is hereby authorized to charge Deposit Account No. 210765, accordingly.

Respectfully submitted,

/David J. Bovitz/

**SIGNATURE OF PRACTITIONER**

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